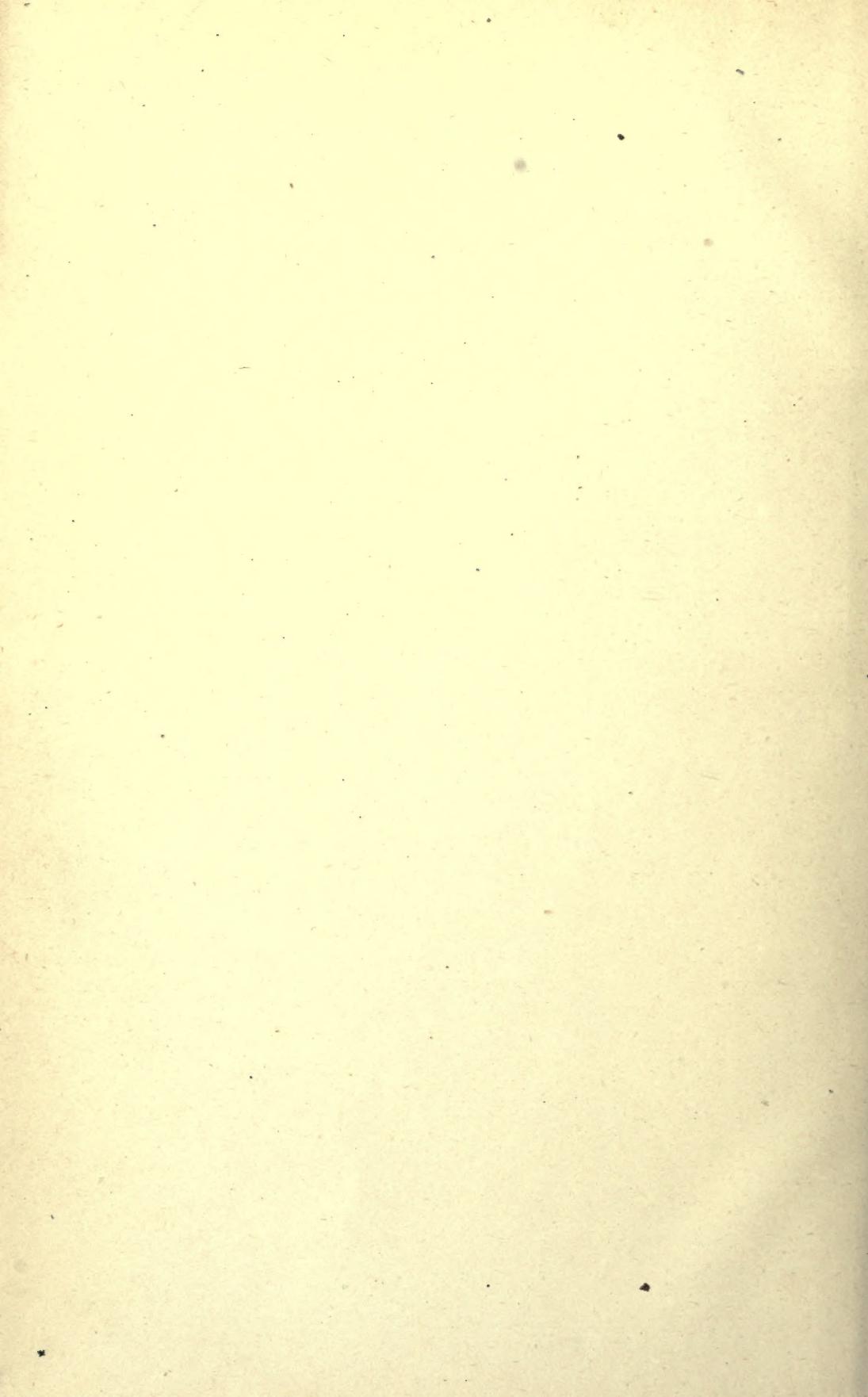
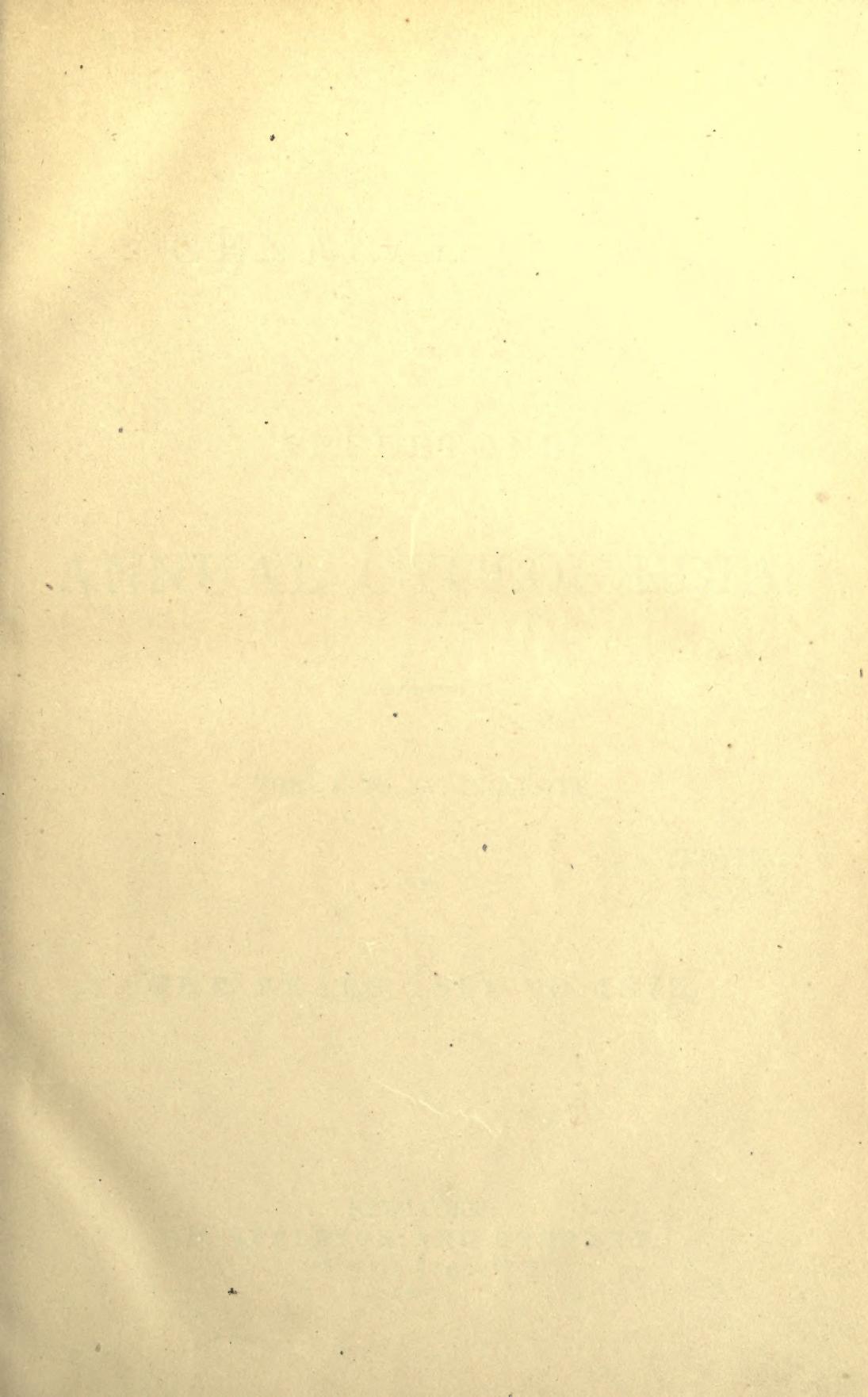


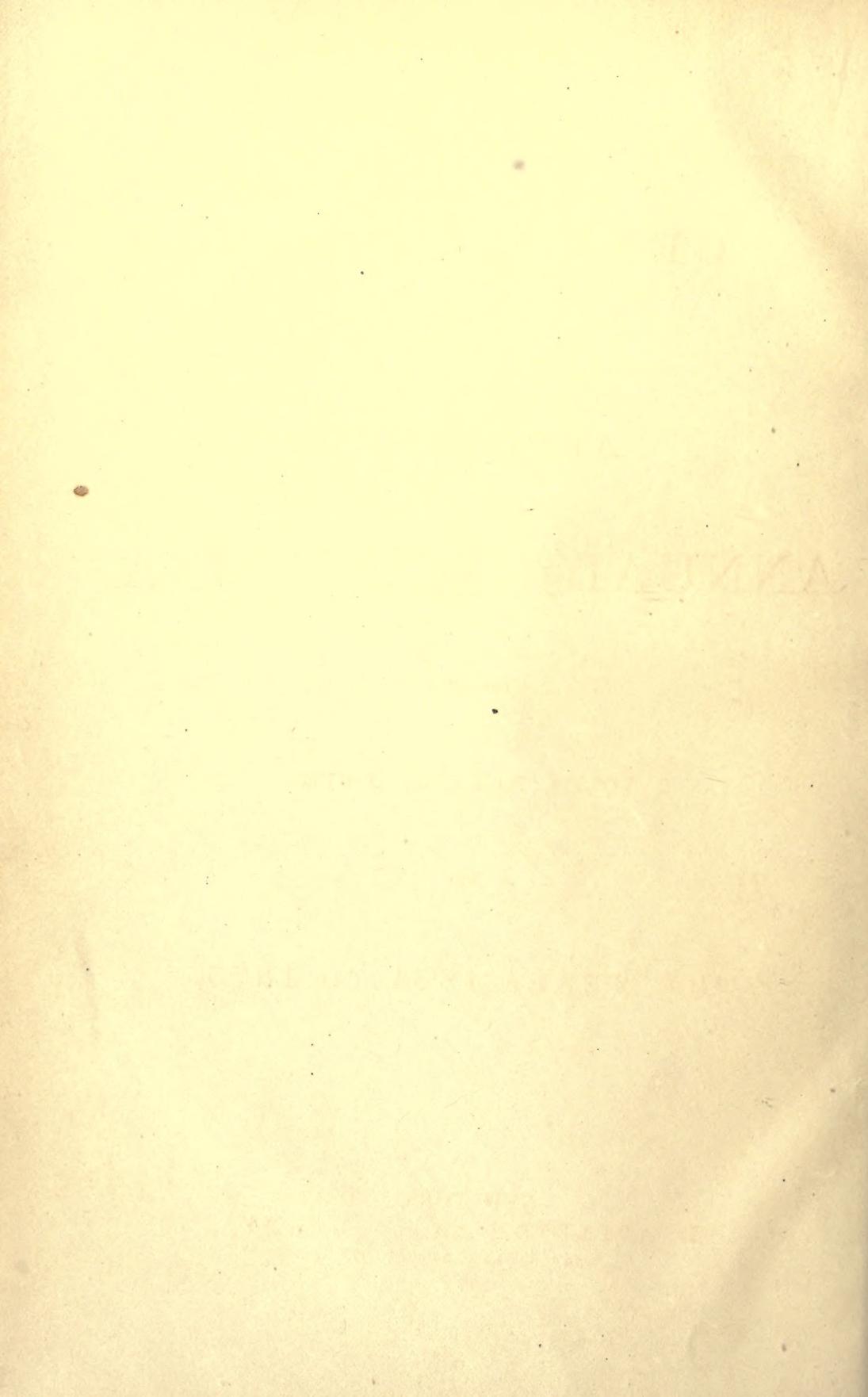


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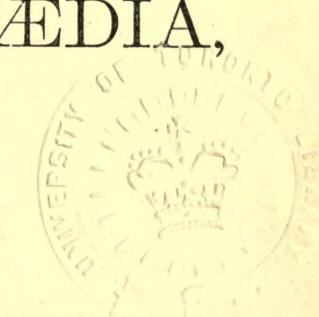
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PUBLISHERS' PREFACE.

THE facts and events collected in this series of volumes are so numerous that, in order to keep this Index within reasonable limits, it has been found necessary to generalize them extensively. Thus those relating to the history of a state or nation will be mostly found under the title of such state or nation. Facts in science are placed under the department of science to which they belong. Proceedings of organizations are generally to be found under the title of such organizations, unless they are of a very important nature. Individuals are specially noticed whenever their actions give importance to affairs, and upon their decease. Some of the events of the period comprised in these volumes rank among the most important in modern history. Of wars, there is the American Civil War; the Austrian, Italian, and German War; the German and French War, besides others of less note. The emancipation in the United States; the establishment of the French Republic; the centralization of Germany, the union of Italy, the revolution in Spain; the Vatican Council—are among the most prominent in civil and religious affairs. But it is the peaceful progress of events that surpasses those of any other period of modern history.

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In the Senate, a joint resolution to amend the Constitution considered, 257; the resolution, 257; slavery the cause of our troubles, 257; something more efficient must be done to get rid of slavery, 258; this is the crowning act of a series of measures, 258; if the Senate were to adopt this resolution, and it be ratified by three-fourths of the States, it would not be binding on any State whose interest was effected by it if that State protested against it, 259; the Constitution a contract, 259; could this Constitution have been adopted if such an amendment had been contemplated at the time? 259; if you can regulate the relation of master and slave in the States, you can regulate that of parent and child, 259; provision of the Constitution for amendment, 260; this is a day that I and many others have long wished for, 260; the nation to commence a new life, 260; if we cannot put away this great sin our cause is hopeless, 261; our home policy, our finances, our legitimate business have all been ignored this session, to discuss the *status* of the negroes of the Southern Confederacy, 261; in what condition are the Southern States to consider amendments to the Constitution? 261; whose fault is it? 261; positive provisions by which slavery is brought under the control of Congress, 262; to provide for the common defence, etc., 262; to raise and support armies, 262; guarantee of a republican government to every State, 262; such the protection thrown by the Constitution over every person without distinction of color, 263; how, then, comes any person to be held as a slave? 263; nothing in the Constitution on

which slavery can rest or find the least support, 263; do you think the Southern people will yield if you adopt this amendment? 264; amend the Constitution so as to lay your hand on the property interest of New England, she would be in revolution to-morrow, 264; if the men who are to pass this amendment were interested in the property, there is not one of them but would oppose it, 264; the power of amendment as now proposed to be exercised would invest the amending power with a faculty of destroying and revolutionizing the whole Government, 264; resolution passed, 265; what number of Senators is required to pass this amendment? 265.

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could be had on any reasonable terms, 295; after the military power is suppressed, call upon the people to reorganize in their own way, subject to the conditions we think essential to permanent peace, 296; three modes indicated, 296; prohibit slavery by the Constitution, 296; plan of the President, 296; proposition of the present bill, 297; extraordinary theories evoked on the relations of the States to the Federal Government, 297; these acts of secession are either valid or invalid, 297; they cannot be invalid to destroy the Union, and valid to destroy the State governments, 297; if these States are out of the Union, their governments are in force until changed, 298; the foundation corner of the Confederation, 298; bill passed, 298; yeas and nays, 298.

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In the Senate, a motion to admit Senators from Arkansas, 311; the decision of this question rules all the questions of representation in Congress, and the participation of Arkansas in the Presidential election, 311; five distinct reasons against the recognition of representation from Arkansas, 311; the representation is founded on a minority, 311; absurd for each Chamber to determine the question of representation for itself, 312; authority is in harmony with reason, 312; the Constitution seems to place the question beyond doubt, 312; the President's proclamation implies the action of Congress, 312; war power of the President, 313; in the Missouri case it was conceded that it was not in the power of Congress to annex any such condition to the admission of a State, because it would produce inequality as between States, 313; the war is carried on against the citizens individually of the States, 314; the State of Arkansas is in insurrection, 314; postponed, 314.

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relative to the heads of departments offered, 185; consists of two propositions: first, the heads of the several departments irremovable at the mere pleasure of the President; second, authorizes them to appoint their subordinates, 185; if the first prevails, there is no reason why the second should not, 185; situation of the President and Secretary of State if this proposition is adopted, 185; this is a radical change of the Government of the United States, 186; the proposition is fraught with future embarrassment and inconvenience, 186; what right has a head of a department to a policy, except it be that policy established by law? 186; the practice which it is proposed to change has obtained too often and too long in the Government, 186; the amendment rejected and the bill passed, 187.

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session and exercise of this power? 193; give to the Senate domination over the Executive to an extent not contemplated, 193; further amendment offered, 193; a sweeping proposition, 193; it will give strength and merit to the bill, 194; the President announced he means "to kick out of office" present incumbents, 194; all legislation of this kind very dangerous in itself, 194; what a state of things if all minor custom-house officers sent to the Senate for confirmation! 194; the officer at the head of the proper department is properly responsible, 195; number of removals and appointments by President Johnson, 195; what is there alarming in it? 196; the President has usurped the powers of Congress on a colossal scale, 196; the duty of the hour is the protection of loyal and patriotic citizens against the President, 196; are you ready to apply the remedy according to the measure of your powers? 196; we are in the midst of a crisis, 197; amendment lost, 197; moved to except the Secretaries, 197; lost, 197; bill passed, 197.

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In the House, charges of impeachment against the President, 200; referred to the Judiciary Committee, 200; further resolutions, 201; report of the Judiciary Committee on impeachment of the President, 201; minority report, 201.

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In the House, resolutions relative to reconstruction offered, 204; a bill for the restoration to the States lately in insurrection of their political rights offered, 204, 205; what are the great questions that now divide the nation? 205; meaning of terms, 205; the legislative power is the sole guardian of sovereignty, 206;

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Two bills now pending before the House, 208; attempts made by these two measures to induce the House to depart from what has hitherto been agreed upon by the Committee on Reconstruction, 208; what has been done thus far by the Committee on Reconstruction, 209; article of amendment to the Constitution, its object, 209; a declaration of the judgment of the joint committee, 209; this bill totally ignores the first duty of Congress to give the protection of law to life and property in disorganized States, 209; what do the Legislatures of the loyal States say? 209.

Object of the bill to remove certain incongruities in the Constitution, 210; to get rid of the Constitution, 210; the decision in the Milligan case denounced as infamous, 210; is the Court to be stricken down? 210; three leading objects in this measure, 210; to get rid of the Supreme Court—to depose the President—to correct "incongruities" in the Constitution, 210; the doctrine that this Government can make conquest of any of the States of this Union is at war with the fundamental idea of the Government, 211.

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213; what does the bill propose? 213; have we the power to pass it? 214; demands of the national will for certain changes in the Constitution, 214; relative to future attempts at secession, 214.

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In the Senate, the bill considered, 222; amendment offered, 222; impartial suffrage wanted, 223; amendment moved, 223; wisest course is to pass this bill, then the Louisiana Bill, 223; principle of the bill that the rebel States have been conquered, 223; held by the

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237; if you set aside a conference, you set aside every just and beneficent measure of protection, 238; such a bill as we want cannot become a law at this session, 238; the question is a radical elementary principle, which cannot be abandoned under the report of a conference committee, 238; how are we to compromise? 239; a pocket veto to be avoided, 239; the bill is horribly defective, 240; its good features, 240; its defects, 240; it places the ballot for the first time in the hands of the whole negro population of the Southern States, 240; it cripples the negro by no restriction, 241; we want neither black nor white oligarchies, 241; Senate amendments, as amended, concurred in, 241.

In the Senate, the amendments of the House considered, 242; do. concurred in, 243; bill returned by the President with objections, and passed, 243; acts passed at this session, 244.

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In the House, resolution relative to reconstruction, also to continuing the investigation of the charges against the President, offered, 246; a bill to provide for a more efficient government in the Southern States reported, 247; its features, 247; passed, 248.

In the Senate, a substitute adopted for the House bill, 248; passed, 249.

In the House, amendment of the Senate amended and concurred in, 249; Senate refuse to concur, 250; conference, 250; report, 250; agreed to, 250; bill vetoed, 250; passed, 250; bill relative to confiscation reported, 250; postponed, 251; recess taken, 251.

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In the House, a resolution to impeach President Johnson considered, 129; threats of the Speaker to the galleries, 130; meaning of high crimes and misdemeanors, 130; the President has in his hands the immense patronage of the Government, 130; all facts point to one conclusion, that the President is guilty of using the great powers of the nation for the purpose of reconstructing the Government in the interests of the rebellion, 130; influence of Cabinet officers, 130; his proclamation of 1865, 131;

not understood, 131; his motive concealed, 131; testimony of Matthews, of Ohio, 131; declared the country could not be saved except by the Democratic party, 131; that expression discloses his mysterious course to this day, 132; acts which disclose his guilt, 132; message of December, 132; speech of February, 1866, 132; his vetoes, 132; interference to prevent the ratification of the constitutional amendment, 132; suspends the test-oath, 132; surrender of abandoned lands, 132; turned over millions of captured railway property to its former owners, 132; holds Tennessee bonds, 133; appointment of provisional governors, 133; these are impeachable offences, 133; propositions laid down in his last message, 133; what is our condition to-day? 133; involved in financial difficulties, 134; substantially impossible to collect the taxes while the Tenure-of-Office Act is in force, 134; there is no remedy for grievances while Mr. Johnson is in office, 134; all rests here, 134; this House has the sole power of impeachment, 134; this body must be guided by the law, and not by that indefinite something called conscience, which may be one thing to-day, and quite a different thing to-morrow, 134; the facts advanced examined, 135, 136; it is feared the failure to impeach and remove the President will defeat the congressional plan of reconstruction, 136; we may not impeach for this, 136; the resolution rejected, 137.

In the House, a resolution to impeach President Johnson again offered, 137; referred without debate to the Committee on Reconstruction, 137; report of the committee, 137; resolution to impeach the President reported, 138; the fact of removing a man from office without the consent of the Senate, while it is in session, is of itself, and always has been, considered a high crime and misdemeanor, 138; why is this attempted? 138; the sacrifice of two or three branches of government deemed indispensably necessary to keep the Republican party in power, 138; the President has thrown himself violently in contact with an act of Congress, 138; this is a vast question, 138; it is the construction of vital provisions of the Constitution of our country, 139; these proceedings of removal are necessary only for a usurper, whom the people have repulsed and thwarted time and again, 139; it is known that men ascend to power over bloody

steps, and that they may do it in this country, and yet be tolerated, 139.

Call this question what we may, it is apparent the leaders of this Congress are prepared to take the final plunge into the sea of revolution, 139.

What has been the act of the President, is the question, 139; look at the evidence, and then read the law, 140; what are the relations of the President to the members of his Cabinet? 140; can the country hold him responsible, and yet render him powerless, by filling the high offices of his department with persons hostile to the success of his administration? 140; the whole is a question of construction, 141.

The safety of the country, the cause of good government, the preservation of constitutional right and of public liberty, depend upon the prompt impeachment of the President, 141; nearly every department of the Government has become demoralized and corrupt to an extent which can find no parallel in the history of any country, in any age, 141; confronted as we are by this state of things, so threatening to our national existence, can there be any patriotic man who does not call upon Congress sternly to do its whole duty, and purge this capitol of the crimes which defile the nation? 142.

Your right to impeach is denied, 142; this House is not composed as the Constitution requires, 142; neither is the Senate composed of two Senators from each State, 142; you have no right to do it, 142; who believes this is a movement of the lovers of the Constitution? 142; why is Stanton so anxious to hold his office? 142; can the Government exist with warring departments? 143.

A grave subject, 143; the charges few and distinct, 143; what are the official misdemeanors of Andrew Johnson disclosed by the evidence? 143; his oath of office, 143; the *animus* with which this law was violated, 143; issuing the commission to Thomas, if it stood alone, would be an undeniable misdemeanor, 144; shall prove he was guilty of misprision of bribery, 144; the final disposition of the Southern States belonged to Congress, 144; resolution adopted, 145; a committee appointed to draft articles, 145; impeachment laid before the Senate, 145; message referred, 146; resolution of instructions to committee on rules,

146; resolutions on the constitutional responsibility of Senators for their votes, 146. (See *Impeachment*.)

In the Senate, a bill introduced to amend the "act to provide for the more efficient government of the rebel States," 147; to change the provision that requires a majority of all the registered votes, 147; amendment offered, 147; requiring certain qualifications of those who were not voters before the war, 147; the greatest issue ever before the people of the United States is now looming up—that is, whether this shall be a white man's government, or a negro government, 147, 148; it is said that a great sin has been committed by conferring the franchise upon the negro, 148; the charge repudiated that Congress has attempted to set up a negro government, 148; subject referred, 149.

In the House, a motion to refer the President's message, and accompanying documents relative to reconstruction, to a committee of nine, 149; passed, 149; the committee, 149; resolutions relative to reconstruction, 149; a bill to facilitate, etc., offered, 149; the bill explained, 150; first section restores the majority principle, 150; the second aids the existing law, 150; the third leaves the apportionment of representatives as it was in 1860, 150; third section withdrawn, 151; constitutions will not be ratified unless the first section be adopted, 151; bill passed, 151.

In the Senate, the bill considered, 151; motion to refer to the Judiciary Committee with instructions, 151; it is assumed that it is the intention of Congress to place the governments of the South under negro control, 152; how many whites disfranchised, 152; the issue here is the same as that which prevails throughout the country, 153; at the end of the war, the rebel States were without State governments of any kind, 153; the Constitution declares that the United States shall guarantee to every State in this Union a republican form of government, 153; the jurisdiction of the United States attached when the war closed, 153; what constitutes the Government of the United States? 154; a law of Congress becomes the execution of the guarantee, and is the act of the Government, 154; a decision of the Supreme Court, 154; this clause of the Constitution can only be executed by Congress, 154; power of Congress to pass laws, 155; the

Fourteenth Constitutional Amendment, 155; proceedings of Congress, 155; what was there left to do? 156.

Impossible to invoke the aid of this clause of the Constitution for the support of these measures, unless you interpolate into the clause a word not to be found in it, 156; object of the convention to preserve the republican form then existing, 156; what was the condition of each of the States? 157; views of Mr. Madison, 157; it was not thought there was included in this particular clause any power to interfere with the government of a State, 157; what is loyalty? 157; views of the power of the Constitution in former days, 158; can New York be brought under that clause? 158; the doctrine of secession forever ended, 159; other clauses of the Constitution, 159; what is the bill on the table? 159; motion to amend, lost, 160; committee report to strike out and insert a new bill, 160; agreed to, 160; amendment concurred in by the House, 160.

In the House, a motion to suspend the rules for the Committee on Reconstruction to make a report, 160; carried, 160; bill to admit certain Southern States reported, 160; report of the minority, 161; a bill to elect a President, 161; why violate the Constitution? 162; the bill presents few immediate practical results, 162; object of the bill, 162; what objection, 162; the issue which underlies this legislation, 162; the first proposition involved, 163; next, the apportionment of representation, 163; inviolability of the national debt, 163; is this a bill which we ought to pass? 163; acting outside of the Constitution, 164; where are the powers granted which it is sought to assume? 164; the Constitution requires a preexisting government to be guaranteed, 164; no power for this bill in the Constitution, 164; the first section in direct conflict with more than one provision of the Constitution, 165; meaning of the word *guarantee*, 165; the whole subject of observation, of inquiry, of judgment, is open to the United States, which means Congress, with the President coöperating, 166; no difficulty as to the constitutionality of our acts, 166; the matter of reconstruction is put into the hands of the General of the Army, 166; amendments reported and agreed to, 166; further amendment offered, 166; discussed, 167; rejected, 167; bill passed, 168.

In the House, a bill for the admission of Ala-

bama reported, 168; amendment offered, 168; agreed to, 168; bill passed, 169.

In the House, a bill for the admission of Arkansas reported, 169; bill passed, 169; amendment offered in the Senate, 169; Congress has the sole, exclusive, and discretionary power over the admission of States, 169; what is it to admit a State? 170; merely admission to a participation in the Government, 170; all States out are equally new States on their application for admission, 170; has not Congress a right to say when and how the Southern States shall be admitted? 171; to impose this condition on Arkansas is said to deprive her of equality, 171; gross mistake or perversion in all this talk about the equality of the States, 171.

The condition is that the right of suffrage shall not be changed after admission of the State, 171; the Government could not exist without an absolute equality in the States, 172; representation is founded on the idea of equality, 172; the General Government cannot interfere with the franchise in the States already in the Union, 172; the exercise of this power, therefore, would destroy the equality of the States, 172; if the power to impose a restriction on admission exists, why cannot other restrictions be imposed, 173; error of the other side, 173; amendment agreed to, 173; other amendments offered and rejected, 173; bills passed, 174.

Veto of President Johnson, 174; bill passed over the veto, 175; protest of the Democratic members, 175.

In the House, a bill to admit North Carolina, South Carolina, Georgia, Alabama, and Louisiana, considered, 176; what is the particular question? 176; they are republican in form, and we require they should remain so, 176; amendments offered, 177; adopted, 177; bill passed, 177.

In the Senate, the bill reported excluding Alabama and adding Florida, 178; hope we shall not exclude Alabama, 178; the vote on her constitution was taken at an unpropitious season, 178; we ought not to take advantage of our own mistake, not to say blunder, 178; Alabama complied with every stipulation save one, shall they be excluded on account of their inability to comply with that? 178; Alabama reinserted, 179; other amendments offered and rejected, 179; amendment to strike out the whole of the House bill and insert another,

adopted, 179; other amendments offered, 179; what is this bill? 179; to sanction a reorganization of the Southern States upon two principles, 180; what else is attempted by these bills? 180; what is the object? 180; bill passed, 181; do. in the House, 181.

In the House, motion to reconsider the vote referring the bill to guarantee to the several States of the Union a republican form of government, 181; provision of the sections, 181; the franchise in certain States limited to certain races, 182; no difference that the ruling class constitute the majority, 182; the cause of universal suffrage is the cause of the great laboring masses of the community, 182; this bill proposes the subversion of the fundamental law of every State that does not tolerate negro suffrage, 182; from the first, the right of suffrage was the conceded right of the States, 183; the bill proposes the Federal Government shall overturn the suffrage in the States, and force negro suffrage upon them, 183; this is a grave question, 183; what was that great right our fathers discovered, 184; we propose to go to universal and impartial suffrage, as the only foundation upon which the Government can stand, 184; the laws then intended to be universal must now be made universal, 184; the passage of this bill at this hour would be the death-knell of our hopes as a political party in the approaching presidential election, 185; regret the Republican party has not risen to the height of applying its principles as a test to all questions, 185; the bill under consideration cannot have a shadow of legal authorization under the Constitution of the United States as it stands to-day, 186; no action taken on the bill, 186.

In the Senate, a bill reported declaring what shall constitute a quorum of the Supreme Court, 186; the reason for the bill, 186; read third time and passed, 186.

In the House, the bill reported back from the committee with an amendment, 186; substitute offered requiring unanimity, 186; as much argument for unanimity as for two-thirds, 186; proposition of a most extraordinary character, 187; is action of this sort on the part of Congress by itself constitutional? 187; requiring too much that every judge should assent, 187; amendment as to the number required to declare an act unconstitutional offered, 187; the Court holds power by virtue

of the fundamental law of the land, and Congress can neither add to nor subtract from it, 188; how is the Supreme Court constituted? 188; a principle of common law makes a majority necessary for action, 188; Congress cannot alter the rule applicable to the Court, 188; it has no authority to say what shall constitute a quorum of the Supreme Court, 188; the first section not challenged, 189; what is the power of Congress over the Supreme Court? 189; last amendment requiring unanimity rejected, 190; amendment requiring a majority adopted, 190.

In the Senate, the bill was referred to the Judiciary Committee and not further considered, 190.

In the Senate, a bill to amend the act of 1789 passed, 190; it took away the appeal from the Circuit Court, etc., 190; amendment, 190; veto of President Johnson, 190; considered in the Senate, 191; the bill repeals the clause which allows a party in any case an appeal to the Supreme Court where his liberty is withheld from him in violation of the Constitution or any law or treaty, 191; a foreigner has this appeal in similar cases before our courts, 192; the object of this is to reach the McCordle case, 192; bill passed in the Senate, 193.

In the House, the veto message considered, 193; bill passed, 193.

In the House, a resolution reported from the Reconstruction Committee relative to the representation of the Southern States in the electoral college, 194; adopted, 194; adopted by the Senate, 194; veto of President Johnson, 194; passed by both Houses over the veto, 195.

In the Senate, the resolution of the Legislature of Ohio, withdrawing its assent to the fourteenth article of the amendment to the Constitution presented, 196; voice of a partisan majority in the General Assembly, 196; without a precedent in history, 196; accomplished nothing, 196; before the assent of three-fourths, any State can withdraw its assent, 196; resolution referred to the Judiciary Committee, 196.

In the House, a resolution offered that the resolution of the New Jersey Legislature, withdrawing its assent to the constitutional amendment, be referred to only by its title in the journal, 196; adopted, 196.

In the Senate, a resolution declaring the adoption of the fourteenth amendment, 197;

adopted, 197; adopted in the House, 197; proclamation by the Secretary of State, 197.

In the House, a bill reported to repeal the tax on cotton, 198; an exceptional tax, 198; the time has arrived to remove it, 198; a bounty for the products of India, Egypt, and Brazil, 198; a mistake, 198; time of repeal discussed, 198; bill passed, 199.

In the Senate, the bill considered, 199; applies to the future crop, 199; better to take the tax off manufactured cotton than from the raw material, 200; not a political question, 200; amendments adopted, 201; assent refused by the House, 201; conference committee not able to agree, 201; a new conference agreed to, 201; report agreed to by the Senate and rejected by the House, 202; further conference, 202; report accepted, 202.

Other measures of Congress, 202; eight-hour law, 202; vacancy in the office of Chief-Justice, 202; Freedmen's Bureau, 202; expatriation, 202; oath of office for restored people of Southern States, 202; adjournment, 202.

IX. Session of 1868-'69: Third session of Fortieth convenes, 120; officers, 120; amendment to the Constitution offered in the Senate, 120; amendment to the Constitution offered in the House, 121; other amendments, 121.

In the Senate, joint resolution of amendment considered, 121; the joint resolution relative to voting, 121; better wait till the other House has completed its action, 121; amendment relative to the mode of amendment, 121; the States should have the power of expressing their opinions, 122; every human being should be enfranchised, 122; without regard to sex or color, 122.

In the House, motion to reconsider the vote by which the bill to secure equal privileges to citizens was recommitted, 122; last of the great measures growing out of the war, 122; amendment necessary, 122; at the formation of the Constitution, all its friends asserted that there was power in it over the elective franchise, 123; there must be power in the Government to provide whatever is necessary for its preservation, 123; consequences if the question of suffrage is vested in the States, 123; meaning of the words, 123; one of two things is true, 124; the powers existing in the States are the measure of the powers which Congress may exercise, 124; a republican form of government is to be guaranteed, 124; does

the Constitution prohibit any State from regulating the right of suffrage? 125; the fourteenth amendment, 125; meaning of the word "privileges," 125; other sections, 126; how the bill is defensible, 126; object of the bill, 126; the power of Congress, 127; the right of the State to determine the qualification of electors is older than the Constitution, 127; what authority is there for this bill? 127; it proposes to regulate the State elections or members of the State Legislature, 128; the measure originated in hostility to the States, 128; no advocate of the Constitution at the time of its adoption claimed for it the power to prescribe the qualification of voters in the States, 128; little force in the argument that the States might refuse to send members to Congress, 129; the United States cannot guarantee any particular form of republican government, 129; the bill and resolution of amendment are a sort of *felo de se*, 130; the singular anomaly presented, 130; we are in no sense a nation, and, if we become so, we will be a centralized despotism in some form, 130; amendment offered, 131; agreed to, 131; the designation of property and educational qualifications recognizes the right in any State to establish a religious test, 131; powers conferred by the different sections, 131; amendment lost, 132; another amendment moved, 132; lost, 132; another amendment, 132; lost, 132; bill passed, 133.

In the Senate, a joint resolution proposing an amendment to the Constitution considered, 133; a declaration to make all men, without regard to race or color, equal before the law, 133; the only measure that will really abolish slavery, 133; amendment moved, 133; the question should be submitted to the people, 134; it is said we are seeking to perpetuate our power, 134; only two modes of ratification, 134; how can a member of a Legislature elected last fall act on a question that was not considered by the people when they elected him? 135; the question taken from the people at the last election, 135; what did the Chicago platform mean? 135; not merely a question of suffrage, 135; an independent republic must necessarily control the question of suffrage in its own elections, 136; amendment moved, 136; the principle of the Constitution in relation to amendments, 136; it is not competent for the Senate, in this state of its organization, to act on an amendment, 136.

In the Senate, the House resolution considered, 137; amendment moved, 137; amendment and resolution substantially the same, 137; why is it necessary to insert these words, "or previous condition of servitude?" 138; another amendment moved, 139; why amend what is already sufficient? 139; difficulties in the way of ratification, 139; power given to Congress to regulate elections in States, 140; can color be a qualification of a voter? 140; if the color of the hair, or eyes, or skin, distinguishes one race from the other, then the Legislature has a right to make it a qualification, 141; all the power of Congress on the subject, 141; this general doctrine comprehends woman as well as man, 141; principles and doctrines of predecessors, 142; proposal to submit the amendment to the several States, 142; facts in regard to the last amendment, 142; an amendment proposed to Legislatures or to conventions for ratification, until ratified by three-fourths of the States, is, of necessity, in its very nature, a simple proposition, 143; an anomaly in the Constitution of the United States, 143; impossible so large a portion should remain a long time without suffrage, 144; meaning of the Chicago platform, 145; under the Constitution no State has the power to deny suffrage on account of color, 145; the amendment contains a grant of power to Congress to set up other tests for voting and holding office, 145; the Republican platform, 146; the question of suffrage belongs to the people—is it right for Congress to take it away? 146; two constructions put upon one clause, 146; what limit is there to the power of the people to change the Constitution? 147; a grave question, 147; it is averred that the President may be displaced, and a king established instead, 147; where does the power of the people to amend or change the Constitution end? 147; you change the nature of the Government, 148; the case of *McCulloch vs. State of Maryland*, 148; is it wise to extend suffrage to the colored people? 149; some do not want the Chinese to vote, 149; exclusion on the ground of religion, 149; position of the Senators from the Western coast, 150; historical references, 150; the heresy of secession is not dead, 150; does the Constitution say how far you shall amend it? 151; State sovereignty denied, 151; State sovereignty and Federal sovereignty are the two ideas planted in the Constitution, 151;

we must maintain the rights of the States under the Constitution, 152; just as necessary to insist on the rights of the States as on the rights of the Federal Government, 152; cannot find a word in the Constitution which makes a limit on the power of the people to amend it, 152; what right has any State in this Union but that which it gets from the Constitution? 153; is the opinion of Congress supreme on all constitutional questions? 153; the judicial power of the court does not contain political power, 154; when the court assumes the power to declare an act of Congress unconstitutional and void, then begins the struggle in this country, 154; the sovereignty rests with the people, 155; the sovereignty not delegated is reserved to the States and to the people, 155; the government of the States is as essential as the government of the people, 156; an amendment to abolish the government enacted by the Constitution exceeds the powers of Congress, 156; what the people of a State have the power to organize and institute they have the power to maintain, 156; is the denial of the right to do one thing an affirmation of the right to do another? 157; the fourteenth amendment has undertaken to secure to citizens all the privileges that belong to citizens, 157; extent of its provisions, 158; the extent of the name of citizen, 158; an exceedingly erroneous and detrimental view, 159; privilege of a citizen to vote, 160; the key to the question, 160; such construction cannot be maintained, 161; occasion of the first section of the fourteenth amendment, 161; motion to adjourn, 162; lost, 162; amendment lost, 162; further amendment considered, 162; it declares exactly that we mean to enfranchise the African, 163; it will leave out the subject of Chinese immigration, 163; amendment lost, 163; another amendment, 164; causes of exclusion from voting, 164; the rule should be universal, 164; objections urged, 165; amendment lost, 165; other amendments considered and lost, 166–168; resolution passed, 168.

In the House, the amendments of the Senate considered, 168; House refuse to concur, 169.

In the Senate, a committee of conference moved and lost, 169; non-concur in the action of the House, 169; another resolution of amendment considered and adopted, 169, 170; amended in the House, 170; conference held, 170; result, 170.

In the House, action taken for counting the votes for President and Vice-President, 171; action on the vote of Louisiana, 171; do. on the vote of Georgia, 171; total vote, 172; its declaration, 172; protest offered in the House, 172; debate, 173; resolutions offered, 174; further debate, 174, 175.

In the Senate, the House bill to repeal the act regulating the tenure of certain civil offices considered, 175; amendment proposed, 175; the House proposes to go back to the old system, 176; the substantial principle upon which the act of 1867 was founded ought to be retained, 176; the amendment restrains the President except as to his Cabinet, 176; object of the Tenure-of-Office Act, 177; remove every obstacle from the incoming Administration, 178; operation of the new doctrine that the President has not the power of removal, 178; our experience, 178; consequences of the assassination of Lincoln, 179; practice of the Government on the power of removal, 179; amendments offered and rejected, 180; bill laid aside during this session, 180.

In the Senate, a bill for equal rights in the District of Columbia passed, 180.

In the Senate, a resolution considered relative to the public credit, 181; extract from the President's message, 181; proposition to pay the interest simply, 181; the platform of a political party, 181; object of the resolution to express disapprobation of the President's message, 182; amendments proposed, 182; resolution agreed to, 183.

In the House, resolution offered relative to repudiation, and passed, 183, 184; a bill to strengthen the public credit reported, 184; what is intended by this legislation, any thing or nothing, 185; bill passed, 186.

In the Senate, House bill to strengthen the public credit reported, 186; amendments, 186; bill passed, 187; House refuse to concur, and a conference held, and a new bill reported, 187; explanation of it, 187; protest against its passage, 188; undertake to bind the Government to a material modification of the contract to the benefit of the creditor and detriment of the people, 188; did the people of the country expect these bonds to be paid in depreciated paper? 189; bill passed in both Houses, 190.

Joint resolution relative to persons holding offices in Virginia and Texas passed and sent to the President, 190.

The first session of Forty-first Congress convened, 191; message from the President, 191; bill for the further protection of equal rights in the District of Columbia passed both Houses, 192.

In the Senate, a bill to repeal the Tenure-of-Office Act considered, 192; a suspension recommended instead of a repeal, 192; not a subject for legislation, 193; what is proposed to do, 193; report recommitted, 193; new bill reported, amendment agreed to, 194; object of the amendment, 194; explanation of the bill, 194; bill passed in both Houses, 195.

A bill to strengthen the public credit considered, 196; amendments offered, 196; a bill passed in the lower House, 197; in the Senate, substituted for the Senate bill, and passed, 197.

In the House, a motion to suspend the rules for a resolution relative to Mongolians to be introduced, was lost, 197; message from the President, on reconstruction, 198; bill reported and passed, 198-200.

In the House, a resolution relative to Cuba adopted, 202.

X. Session of 1869-'70: Second session of the Forty-first convenes, 117; in the Senate, a bill to define and regulate the jurisdiction and powers of the Supreme Court, 117; a bill to repeal appellate jurisdiction in *habeas-corpus* cases presented, 118; do. to remove all political disabilities, 118; resolution to annul all political disabilities, 118; do. relative to a denial of the protection of the law, 118; do. on a paper currency, 118; do. on repudiation, 118; do. on a tariff, 118.

In the Senate, a bill to perfect reconstruction in Georgia, 119; amendment offered, 120; wholly unnecessary, 120; ratification made under duress, 120; the rebel States should be made to feel the power of this nation, 120; a direct impeachment of the whole reconstruction policy, 120; this is not a question which concerns simply the State of Georgia, 121; what is the effect of coercing Georgia to adopt the amendment? 121; we want an evidence of their change of purpose since secession, 121; there are a doctrine and a principle within the present measure which may be returned like a poisoned chalice, 122; proceedings in Georgia, 122; the coercion imposed on Georgia by the proposed amendment, 123; who is to determine when an amendment to the Constitution is ratified? 123; the question as to what is the

Constitution belongs to the political department of the Government, 123; there is no coercion about it, 124; no excuse or apology for the action of Georgia, 124; eminently desirable to obtain the free adoption by that people of the fifteenth amendment, 125; the ratification by three-fourths absolutely null and void, 125; let us test it, 125; important that the fifteenth amendment should be ratified, 125; important that we should require Georgia to ratify this amendment, 126; an explanation, 126; without this requirement Georgia will not ratify, 126; what power is legitimate to organize a government for Georgia, 127; shall Congress divest the people of Georgia of this power? 127; if the State will come under the radical banner, all will be right, 127; attempt to justify these proceedings, 128; the provisions of the bill, 128; it is not Georgia alone that is interested, 129; what a spectacle to present to the world! 129; vote on the amendment, 129; agreed to, 130; Georgia did all that your acts under the fourteenth amendment required, and now it is proposed to take her in hand again, 130; two reasons given, 130; proceedings of her Legislature, 130; no member disqualified, 131; can you reinstate the negroes? 131; bill passed, 131.

In the House, the bill from the Senate passed after a brief debate, 131; vote, 131.

In the House, the bill to admit the State of Georgia to representation in Congress considered, 132; the features of the bill, 132; facts respecting Georgia, 132; admission of members to this House, 133; hesitation of the Senate, 133; their report, 133; theory upon which this bill is urged, 134; object to prolong the term of office of the men who now control the State, 134; its avowal, 134; design to establish a principle that will authorize Congress to seize any State, 134; the bill passed, 135; the vote, 135.

In the Senate, the House bill considered, 135; an additional section moved, 135; the Bingham amendment objected to, 135; its adoption by the House has been regarded as a rebel victory, 135; position of the Senator from Illinois, 136; position taken by the Senator from Vermont, 136; when does a State government of a new State go into operation? 136; the true doctrine, 137; shall men take advantage of their own wrong? 137; shall the Bingham amendment, prohibiting the State

government to continue in office, be stricken from the bill? 137; progress of reconstruction in Georgia, 137, 138; it is claimed that the State Legislature may continue its existence for two years, 139; on what ground? 139; the act of admission relates back, 139; estopped from accepting any such doctrine, 139; no case in the world can be clearer, 140; as plain and flagrant an attempt at usurpation in Georgia as ever marked the course of any men seeking power by illegitimate means, 140; the Bingham amendment words of despair to loyal men, 140; sources of power in Congress, the two constitutional amendments, 140; also three other sources, each of which is overflowing, 140; necessity of the case, 140; guarantee clause, 140; *e pluribus unum*, 141; this guarantee invoked for the protection of Georgia, 141; act of March 2, 1867, 141; several courses open to Congress all equally within its powers, 142; Congress a High Court of Equity with Georgia at its bar, 142; what is the meaning of all this wild talk about the Constitution being construed in the light of modern progress? 142; can Congress do any one of these things which the provisions of the Constitution say it shall not do? 143; we are engaged in the transaction of grave and important business, 143; features of the bill, 143; can Congress deny to a State, in the form of a condition contained in the act of admission, a power secured to the State by the Constitution of the United States? 144; fundamental principles to be borne in mind in every constitutional discussion, 144; can they point out the provision which confers the power in this case? 144; views of Senators, 144; amendment offered, 145; lost, 145; another offered, 145; substitute proposed, 145; adopted, 145; other amendments moved and adopted or rejected, 146; bill passed, 147.

In the House, the bill reported with amendments of the Senate, 147; amendments added and the bill passed, 147; the Senate refuse to concur, 147; conference, 148.

In the Senate, a resolution offered to admit Virginia to representation in Congress, 148; she has complied in all respects with the reconstruction acts, 148; were the members of the Legislature required to take the test-oath? 149; amendment moved, 149; remands the State to its previous condition on a certain contingency, 149; manifestly improper, 149; no

authority under the Constitution for unequal States, 149; we have a right to protect ourselves against a recision of the fifteenth amendment by Virginia, 150; thus to remand her would nullify her ratification, 150; we have a right to protect a State government after having reconstructed it, 150; the power claimed by some States to retract their ratification, 150; the amendment confesses the power of a State to retract, 151; the proposed amendment of the Constitution utterly void, 151; when an amendment is proposed, every State in the Union must be represented in the two Houses of Congress, 151; two-thirds of both Houses are required to propose amendments, 151; Congress will have for evermore the power to protect reconstruction, 152; amendment rejected, 152; another amendment moved, 152; amendment to the amendment offered, 152; modified and agreed to, 153; another amendment moved, 153; rejected, 153; another amendment moved, 153; rejected, 153; another amendment offered, 153; a few questions asked, 154; what theory is entertained by these Senators, 154; is a State constitution void because it conflicts with an act of Congress? 155; if that act is a compact between Congress and a State? 155; there can be no compact between Congress and a State, 155; resolution laid aside and House bill considered, 155.

In the House, a bill for the admission of Virginia reported, 155; the bill, 155; a compromise measure, 156; is the State entitled to be represented in Congress? 156; some think we should be in no hurry to admit her, 156; amendment moved and agreed to, 157; a substitute offered and adopted, 157; bill passed, 157.

In the Senate, the House bill considered, 158; amendment offered, 158; other amendments offered and agreed to, 158; Senators decline to vote, on the passage of the bill, in its favor, 159; bill passed, 160.

In the House, the amendments of the Senate to the bill for the admission of Virginia concurred in, 160.

In the House, a bill reported for the admission of Mississippi, 160; the bill, 160; similar to the Virginia bill, 161; amendment offered and lost, 161; bill passed, 161.

In the Senate, the House bill for the admission of Mississippi to representation in Con-

gress considered, 162; condition of Mississippi, 162; votes on the clauses submitted to the Constitution, 162; committee recommend all conditions to be stricken out of the bill, 163; we have power to put in conditions, 163; these States are in a peculiar condition, 163; the provisions of the Constitution, 164; Mississippi entitled to representation by virtue of the provisions of the Constitution, 164; the argument for State rights proceeds on a misapprehension, 165; nothing clearer than that the equal rights of all must be placed under the safeguard of one uniform law, 165; two great title-deeds of the republic, 165; all these powers essentially national, 165; it is for Congress to determine in its discretion how republican government shall be maintained, 165; human rights, in this land, do not depend on the Congress of the United States, 166; the Federal Government is one of limited powers, 166; amendments rejected and bill passed, 166.

In the House, a bill considered to admit the State of Texas to representation in Congress, 167; amendment offered, 167; rejected, 167; bill passed, 167.

In the Senate, the House bill amended and passed, 168; House concurs, 168.

Message of the President relative to the ratification of the fifteenth amendment, 168; communication of the Secretary of State declaring the vote, 169.

In the House, a bill reported to enforce the fifteenth amendment, 169; the bill, 169, 170; bill passed, 170.

In the Senate, the bill from the House considered, 171; explanation of the bill, 171; a bill reported by the Judiciary Committee, 171; its features, 171; moved to strike out all of House bill after enacting clause and insert Senate bill, 172; the bill, 173, 174; the distinction in doctrine and philosophy between the two bills, 175; the idea of the bill, that the enforcement of the rights of persons to be in the United States courts, 175; how are troops to act to enforce the provisions of the bill? 176; the President may surround the polls with troops, 176; what are the troops then to do? 176; if this can be done in a free country, let us talk no more about the one-man power, 176; the speech better suited for twenty years ago, 177; times have changed if the fugitive-slave law of 1850 is made the model of legislation, 177; what is the language of the consti-

tutional amendment? 177; what is its effect? 177; why not enforce by laws other prohibitions of the Constitution? 178; what is proposed to be done? 178; has not Congress the power to prescribe the mode and manner of electing members of Congress? 178; is this bill limited to members of Congress? 179; it reaches all officers from the highest to the lowest, 179; we should endeavor to guard against the wholesale frauds in the election of President, 179; amendment offered, 179; the amendment, 180; never such a proposition made before in Congress, 180; at midnight you are asked to adopt it, 180; as important as any thing in the bill, 181; amendment to the amendment rejected, 181; reoffered in part, 181; agreed to, 181; other amendments offered and agreed to, 182, 183; bill passed, 183.

In the House, a disagreement with the amendments of the Senate, and committees of conference appointed, 183; report, 183; agreed to, 183.

In the House, a bill introduced to establish a uniform system of naturalization, 184; features of the bill, 184; motion to reject the bill lost, 185; bill passed, 185.

In the Senate, a substitute to the naturalization bill reported, 186; amendments offered, 186; this amendment involves the whole Chinese problem, 186; other amendments offered and rejected, 186; substitute rejected, 187; amendments offered to the House bill, 187; moved to strike out the word "white," 187; agreed to, 188; amendment relative to Chinese offered, 188; what is their condition? 188; the Senate do not comprehend this question, 188; you have no means of administering oaths to Chinamen, 188; the proposition to strike out the word "white" is nothing more nor less than to admit Chinese, 188; it embraces the whole pagan races of the world, 189; if the Chinese come here at all, I do not want them here as slaves, 189; the fate of the proposition to strike out the word "white," 189; its history, 189, 190; foolish interpretation of the Declaration of Independence, 190; it has nothing to do with the question, 191; Congress has plenary power over this subject, 191; exaggeration of immigration, 191; what is the American principle that should guide us here? 192; shall Chinamen be citizens? 192; by the American maxim the Chinaman is entitled to a vote, 193; may Indians be naturalized?

193; moved to reconsider the vote on the word "white," 193; what is the objection to Chinese? 194; the simple question is a practical one, how shall we serve our country? 195; motion to reconsider agreed to, 195; has a Chinaman a natural and moral right to become a citizen of the United States? 195; he has not, 195; we may refuse it without violating any right, 195; amendment rejected, 196; other amendments, 196; bill passed, 197; amendments concurred in by the House, 197.

In the House, a joint resolution on Cuba reported, 197; the resolution, 197; a substitute, 197; amendment, 198; object of the resolution, 198; what is the duty of the United States? 198, 199; declarations of Great Britain and Spain, 200; state of the question, 201; views of the minority, 202; is the acquisition desired? 203; amendments offered, 204; substitute adopted, 204; act appointing legal holidays in the District of Columbia, 204; other proceedings, 205.

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In the House, a bill relative to reconstruction reported, 134; no more important subject will be presented to Congress, 136; power of the Executive to grant reprieves and pardons, 136; intention of the bill, 137; excepted cases, 137; other exceptions, 137; substitute proposed, 137; amendment moved, 137; another substitute proposed, 137; a general removal of all disabilities from all classes of men, 138; what the effect and extent of these sweeping provisions, 138; take the case of General Pillow, 138; this is a bill making odious discriminations, 138; holds out the promise to the ear, but breaks it to the heart, 139; extraordinary provisions of this bill, 139; shook every man's sense of justice, 139; little in this bill to commend it to the House, 139; pledge given to go for amnesty, 140; I want no half-way work, 140; this bill a very singular and incongruous mixture, 140; comes from the Committee on Reconstruction, which is a political committee, 140; it is in no sense an amnesty bill, 141; it is a property-grabbing bill, 141; if the spirit

of Sherman's agreement with Johnston had been observed, there would have been no need of this measure, 141; four amendments pending, 141; bill postponed, 142.

In the House, a bill reported prescribing an oath of office, 142; its provisions, 142; effect of the passage of the bill, 142; repeals the test-oath for every man who took part in the rebellion, 142; peculiar state of affairs, that the loyal people should be required to take the test-oath, 143; where is the necessity of continuing the test-oath at all? 143; are we prepared to take this step in the dark? 143; bill passed, 144.

In the House, a bill to enforce the fifteenth amendment considered, 144; it is absolutely atrocious, 144; it is the crowning act of centralization and consolidation, 145; has its origin in the interest of a desperate and unscrupulous party, 145; details of the bill, 145; the title is an untruth, 146; it reaches every town with a population of twenty thousand, 146; power to arrest is conferred on supervisors at the polls, 146; the military made subject to the deputy-marshal, 146; the marshals have complete immunity from all liability to State or municipal authority, 147; allows military interference with elections, 147; the necessity of the bill, 147; the constitutional power to enact it, 148; substitute offered, 148-151; amendments moved, 152; bill passed, 152.

In the Senate, the above bill considered, 153; offspring of a bill of the last session, 153; it assumes the powers of the General Government to superintend registrations and elections in the States, 153; the power given to the States, 153; reason, 153; Congress can only interfere to perpetuate the Government to prevent its dissolution, 153; what does the bill propose? 154; its passage, 154.

In the Senate, a motion to take up the resolution relative to San Domingo, 155; another resolution submitted, 155; both are of interest to the people, 155; motion to refer to Committee on Foreign Relations, 155; object of introducing the resolution, 156; treaty not ratified, 156; is the Senate ready to recede? 156; we are asked to take a wide departure from the original policy of the Government, 156; what are the facts? 156; the present incorporation of that people with us is not desirable, 157; motion to go into executive session lost, 157; the resolution commits Con-

gress to a dance of blood, 157; it commits Congress to the policy of annexation, 157; I will not accept the policy, 158; some facts about the negotiation, 158; Baez has been sustained in power by the presence of our naval force ever since the negotiation, 159; all there are said to be in favor of annexation, 159; the claims of Hayti wrongfully interdicted, 160; no prudent man buys a lawsuit, 160.

Nearly all the Senator's points are immaterial, 160; the protocol, 160; the resolution simply provides for an examination, 161; it is said the resolution is unnecessary, 161; he would have been denounced if he had appointed commissioners without consulting us, 161; the annexation of San Domingo will come, 161; grounds of opposition to annexation stated, 162; advice to the Senator from Massachusetts, 162; where then were you who now talk of nothing but freedom? 162; are you prepared to bring such a people into the United States? 163; motion to refer lost, 162; resolution adopted, 163.

In the House, joint resolution relative to San Domingo amended, 163; adopted, 163; amendment concurred in by the Senate, 164.

In the Senate, a resolution to appoint a committee to investigate affairs in the Southern States offered, 164; objected to, 164; motion to refer the papers to a special committee, 164; they present an appalling record, 164; had the whole subject here at the last session, 165; are these new charges? 165; a periodical performance, 165; why turn them into capital for a party? 165; the record of the last dozen years does not justify such imputations, 166; thousands of men have lost their lives, 166; this Administration commenced with the words "Let us have peace," 166; object of the resolution to obtain some pretext to place the Southern people under martial law, 166; motion agreed to, 166.

In the Senate, a motion to consider the bill to promote commerce among the States, 167; can Congress authorize the construction of a railroad passing through different States, under the power to regulate commerce? 167; grave considerations involved in the bill, 167; the exercise of a dangerous power, 167; Congress has the power to govern these railroads, 168; pass some bill that will test the question, 168; bill laid aside, 168; session closed, 168.

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menced, 168; in the House, a bill to repeal the duties on salt considered, 169; bill passed, 169; a joint resolution to repeal the duties on coal considered, 169; do., passed, 170; bill to place tea and coffee on the free list of imports considered, 170; passed, 170; resolutions relative to a financial policy considered, 171; referred to Committee of Ways and Means, 171.

In the Senate, a resolution offered to limit the business of the session, 171; adoption, 171; another resolution, instructing the Committee on the Judiciary to report a bill to enable the President to execute the laws relative to organized bands of armed men in the Southern States, offered, 171; the condition of affairs in the South is of an extraordinary character, 171; Ku-klux Klan exists in eleven States, 171; the statement is the phantom of a distempered imagination, 171; statements of the resolution utterly untrue, 172; these armed bands do exist, 172; what the witnesses show, 172; thugs of India, 172; extent of the Ku-klux organization, 172; extends through every county of North Carolina, 173; dates of outrages, 173; peculiarities of the crimes committed, 173; no man has ever been convicted, 174; report of the minority, 174; what proof of their existence in Kentucky? 174; no occasional acts of violence have been committed in Kentucky, 174; there is no proof against Confederate soldiers, 175; the exclusion of good men from office one cause of existence of these outrages, 175; mal-administration has occurred in many States, 175; necessity of putting a stop to the outrages spoken of, 175; kind of bills introduced here, 175; assert absolute jurisdiction for Congress, 176; a constitutional question involved, 176; state of the case, 176; provision in the Constitution in regard to putting down insurrection, 176; two or three objections to the resolution, 177; one encroachment follows close upon the heels of its predecessor, 177; everybody who maintains that this Congress has not the power to sweep away the Constitution when it pleases, is denounced as revolutionary, 177; rights which belong to the people, 177; the legal question considered, 178; the fourteenth amendment, 178; the Government can act only on individuals, 178; intention of the fourteenth amendment, 178; more than nine-tenths of the testimony is mere hearsay, 179; resolution agreed

to, 179; concurrent resolution relative to investigation offered, and adopted, 179.

In the House, the above-mentioned resolution considered, 179; amendment offered, 180; what will happen if we appoint this committee and send it down South? 180; amendment agreed to, 180.

In the Senate, the amended resolution considered, 181; amendment moved to grant power to print, 181; not willing to trust the committee with any such power, 181; why has this investigation been opposed at every step? 181; if the investigation shows us that there are peace and security in any one State at the South, let us know it, 182; let us have it, 182; we should legislate now, 182; read the reports of your officers, 182; if any organization exists in Georgia, it has been kept wonderfully secret, 183; a change that came over Congress, 183; you already condemned nine or ten States at the South, 184; amendment concurred in, 184.

In the House, a bill reported to enforce the provisions of the fourteenth amendment to the Constitution, 184; this measure affects the foundations of the Government, 185; what warrant have we for enacting it? 185; decisions of courts, 185; their legal effect, 185; constitutionality of the first section, 185; the second section, 186; where is the constitutional power to enact it? 186; on what it rests, 187; general aspects of the question of power to defend by Federal legislation the essential franchises of national citizenship, 187; reply to the charge that the second section invades the reserved powers of the States, 188; the United States always has assumed to enforce as against the States, and also persons, every one of the provisions of the Constitution, 188; provisions of the Constitution, 188; judgment of the Supreme Court, 189; the third section, 189; its provisions, 189; the fourth section, 189; decision of the Supreme Court sustains it, 190.

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government, or code of laws, in this country, but recognizes these rights of the people, 192; the most important part of the first section, 193; what is the meaning of the words "without due process of law?" 193; where has this equal protection ever been denied? 193; it never has been believed or assumed that Congress has power to go into the States of the Union and subordinate State laws and State jurisdiction to the control of Federal courts, or of the President, 193; fourth section of the fourth article of the Constitution, 194; it forbids Federal interposition, except on call of the Governor, 194; the bill proposes to authorize the suspension of the writ of *habeas corpus*, 195; object claimed for the entire bill, 195; the third section is worse than all the others, 195; the monstrous powers conferred on the Federal Government and its chief officer, 196; the President is made without responsibility of any kind, 196.

Action of the House before the last message, 196; the message is the basis for this bill, 197; the judgment of a majority was against legislation, 197; instead of hostility, tender the olive-branch, 197; change your policy—proclaim amnesty, 197; reference to the case of Milligan, 198; could a more emphatic condemnation of the provisions of this bill have been pronounced? 198; the fourth section authorizes the President to declare war against a State whenever he thinks secession may require it, 198; enact these provisions, and local State government is at an end, 199; no man is equal to discussing it as it ought to be discussed, 199; the issue before this House, 199; is it competent for Congress to provide by law for a better enforcement of the Constitution? 199; opinion in the case of *Cohens vs. Virginia*, 199; the act of 1789, 200; do. of 1795, 200; the President the exclusive and final judge whether the exigency contemplated by the law has arisen, 201; consider the discretion which is vested in Congress, 201; the people are equal to the task of redressing all wrongs that may be inflicted on them, 201; the provision of the Constitution as to the protection of the States does not give this power to provide for protecting the guaranteed rights of the people, 202; two controlling propositions on this question, 202; if the Federal Government cannot pass laws to protect rights, why were guarantees of those rights put in the Constitution?

202; if it has not this constitutional power, it ought to have it, 202; will such vindictive legislation, without proof, succeed? 203; you have already failed in such legislation, 203; Federal legislation and its execution have failed to produce content at the South, 203; measures of repression and usurpation are, in their nature, revolutionary, 203; Ku-klux were organized to scare the superstitious blacks, 204; South Carolina has been infested with the worst local government ever vouchsafed to a people, 204; amendment offered, 204; its effect, 205; change proposed in the original bill, 206; other amendments offered, 206; bill passed, 206.

In the Senate, the above-mentioned bill considered, 207; nobody objects to the first section, 207; the second provides for the punishment of a conspiracy, 207; the third is in entire conformity to the Constitution, that, when States fail to protect private rights, the President is authorized to act, 207; the fourth makes some conspiracies and combinations a rebellion, and authorizes the President to suspend the writ of *habeas corpus*, 207; other sections provide for executing the previous ones, 208; these principles go to the foundation of the Government, 208; after the Union was formed, the whole power of the Government was pledged to defend the rights of citizens against encroachments, 208; object of fourteenth amendment, 210; eminent authority against colored citizenship, 210; effect of the system of slavery, 210; clauses of fourteenth amendment which it is supposed have changed the Constitution, 210; how about the rights of the colored man under the old Constitution? 211; the States are depositories of the rights of individuals, 211; what are the privileges and immunities of citizens of the United States? 212; clauses of the amendment, 212; the authority of the United States was just as positive under the Constitution as originally framed as under the fourteenth amendment, 213; Congress has authority to carry into effect the powers of Government by affirmative law, 213; when the Constitution imposes an inhibition on the States, it does not give the Federal Government power to see that they do not do it, 214; I will go as far as any one to maintain the authority of the United States, 214; let us examine what sort of a Government we have, and precisely what its rights

are, 215; it is said to be merely a confederated Government of States, 215; views of Hamilton, 215; it is a Constitution of the people, and brings them into direct communication with the Government, 216; the perfect authority of Congress to execute this Constitution, 216; a Constitution of the people, 216; it has had a criminal code that has acted directly on the people, 217; what rights have these new amendments given to citizens? 217; what do they provide? 217; whatever the fourteenth amendment guarantees to a citizen, that citizen is entitled to have, 218; the Constitution contemplates that Congress shall protect these rights, 218; what do we propose to do? 218; examination of the several sections, 219; objections considered, 220; amendments offered and agreed to, 220; others lost, 220; bill passed, 221.

In the House a committee of conference appointed on amendments disagreed to, 221; do in the Senate, 221; explanation of the report of the committee and the amendments made to the bill, 221, 222; the Sherman amendment retained, and the report rejected by the House, 224.

In the Senate, report considered, 224; nature of the Sherman amendment, 224; the bill makes it a penal offence against the United States for any person to violate a law of a State, 224; this is an absurdity, 224; interference by the General Government in the affairs of a State condemned, 225; what might not a Cæsar or a Cromwell do? 225; report concurred in, 226; a new committee of conference appointed, 226.

In the House, the report of the committee explained, 226; discussed, 227; agreed to in both Houses, 228; the bill as passed, 228, 229.

In the Senate, resolutions relative to San Domingo, offered by the Senator from Massachusetts, 229, 230; resolution proposing an amendment to the Constitution relative to appropriations to schools where religious doctrines are taught, 230.

XII. Session of 1871-'72: Commencement of the session, 119; list of members, 119; resolution calling upon the President for information relative to the suspension of the laws in South Carolina, 119; object of the resolution, 120; large numbers of citizens arrested for alleged offences, 120; resolution answered yesterday in the President's message, 120; the

resolution asks for details, 120; no report made by the committee, 120; resolution lost, 120.

A committee on insurrectionary States proposed, 121; no such States, 121; such a committee appointed and continued at a previous session, 121; the evils seem to continue in spite of the best efforts of the committee, 121; not a side-wind to continue a committee, 121.

Special committee on telegraphy proposed, 121; the Post-Office Committee the proper one, 121; a matter involving millions of dollars, 121; immense patronage which is contemplated, 122; every post-office to be a telegraph-station, 122; all to come under the control of the Post-Office Department, 122; referred to Committee on Appropriations, 122.

Petition of colored citizens of Brooklyn, 123; petition relative to Howard University, 123; an end should be put to this outrage, 123.

Motion to fix the time of adjournment, 123; amendment offered, 123; proceedings suspended, 124.

Resolution of inquiry relative to the expenditures of the Government, 124; laid over, 124.

Resolution to provide for an immediate reduction of taxation, etc., 124; lost, 124.

Resolution relative to civil-service reform offered, 125; laid on the table, 125.

Resolution that the President open negotiations for the purchase of Cuba offered, 125; laid on the table, 125.

Resolution to recognize the thirteenth, fourteenth, and fifteenth amendments to the Constitution as valid, offered, 125; adopted, 125.

In the Senate, resolution relative to the defalcation of Paymaster Hodge offered, 126; amendment offered for the appointment of a committee to inquire into the expenditures of all branches of the service of the United States, 126; should follow up the investigations begun in regard to the use of patronage, 126; no unusual thing for appointments to be held up in this body until other appointments are made, 126; remedies to be suggested against robberies by officials, 126; throughout the land an impression that corruption exists in the public service, 127; what is the precise point of discussion here? 127; what is the most effectual method to purify each department? 127; where shall you draw the line be-

tween appointing a man on account of his political status, or some other reason? 127; the point of the present question, 127; subject postponed, 128.

In the Senate, a resolution to appoint a standing committee of investigation and retrenchment, 128; this committee should be vested with the same powers as were conferred on the joint select committee, 128; motion made so to amend, 128; better be appointed as all committees are appointed, 128; let this committee stand like all others, 128; every one knows what retrenchment means, 128; why have a division here on this subject? 129; the committee, as first proposed, will have cognizance of nothing but what shall be referred to it specifically, 129; I want to vest the power originally in the committee, so they shall have it without their attention being particularly called to a subject, 129; this is merely a technical difference, 129; presidential

campaign opened in form, 130; attempt to open the eyes of the people to the evil times, 130; this Administration will compare with any previous one in integrity, 130; the objections to the amendment are surprising, 130; a committee on retrenchment with such powers was organized five years ago, 131; for years, without a dissenting voice, the Senate has been conferring such powers, 131; we are standing at the threshold of a great moral revolution in our political life, 131; such power has never been committed to a standing committee of this body as the amendment proposes, 132; the drift of this debate is a reflection on the Republican party, 132; my object is to uncover and denounce every abuse, 132; whence this bugbear that is raised before our eyes? 133; a reflection on the Republican party! how so? 133; amendment rejected, 133; resolution adopted, 133.

Amendment moved as an independent proposition, 133; astonished at the position taken by some members of this body, 133; the resolution is in aid of purifying the public service, 134; I cannot permit those with whom I act to be put in a false position, 134; no final action taken on the resolution as an independent proposition, 134.

In the Senate, the committee on retrenchment proposed, 134; have any of these persons urged this inquiry on the Senate? 134; if not, can such a committee satisfy the coun-

try? 134; no Senator in this body opposed to the most searching inquiry, 135; the Senator is evading the question, 135; will this committee do their duty? 135; every one voted for this measure, 135; rules of parliamentary usage, 135; how do Senators vote on the subject of investigating these abuses? 136; where are the Senators who were in favor of this thorough investigation? 136; not one is on the committee, 136; original amendment to the resolution, 136; what foundation is there for the assertion that no Senator who sustains the inquiry is on the committee? 137; assertions of fraud in the public service, 137; a statement of facts, 137; who gave this a party turn? 138; no more legitimate subject of inquiry can be made than the connection of the patronage of the Government with the freedom of suffrage, 138; motion to amend the amendment agreed to, 139; the amendment agreed to, 139.

In the Senate, a bill for the removal of legal and political disabilities imposed by the fourteenth amendment to the Constitution, 140; features of the bill, 140; the interest of the country demands its passage, 140; necessary to extend relief much further than it would have been justifiable a short time since, 140; amendment offered, 140; wiser to end the matter and pass the bill, 141; let us be just before we are generous, 141; this is a great peace-offering to the country, 141; amendment offered relative to social equality, 141; half the people of Georgia excluded from equal rights, 142; colored persons prefer the separation from the whites, 142; a vindication of inequality as a principle or a rule, 142; I intend to see that, under the institutions of his country, the colored man is equal everywhere, 142; in hotels and on railroads all are subject to the regulations of the proprietors and companies, 143; I object to this great Government descending to the business of regulating the hotels and common taverns of the country, 143; the amendment read, 143; the treatment which this bill has received, 144; the time has come when these disabilities ought to be removed, 144; the amendments hazard the bill, 144; a majority can pass the amendment, but the bill requires two-thirds, 145; why endanger it by pressing the amendment? 145; we have in Mississippi just such a law as the colored people are content with, 145; the individual disquali-

fications as to holding office should be considered, 145; this is a safe and sound measure of public policy, 146; amendments rejected, 146; other amendments to except members of Congress moved, 147; rejected, 147; amendment not to remove legal disabilities, 147; rejected, 147; amendment to limit the backward effect of the bill, so as not to validate the election of any person at the time ineligible, 148; agreed to, 148; bill reported to the Senate, and the civil-rights amendment renewed, 148; the amendment is the most flagrant violation of the Constitution that has ever been proposed in the Senate, 148; these amendments are calculated to defeat the bill, and they are voted for by those heralded as friends of amnesty, 149; the amnesty bill should be a proper one, 149.

Slavery in its original pretension reappears in this debate, 149; extent to which the equality of the slave has been recognized, 149; this is not enough, 149; the denial of any right is a wrong that darkens all the rest, 149; rights denied, 149; two excuses show how groundless is this pretension, 149; the first excuse is simply misrepresentation, 150; the other excuse finds equality in separation, 150; vain to argue that there is no denial of equal rights when the separation is enforced, 150; without the amendment, the original civil-rights law is imperfect, 150; unite now in an act of justice to a much-oppressed race, 150; duty to these millions is foremost, 151; strong reasons why it should be united with amnesty, 151.

Some suggestions respecting this amendment, 151; it declares all citizens entitled to the equal enjoyment of the privileges of inns, churches, etc., 151; no one desires this, 151; it imposes penalties for any violation of this equal enjoyment, 151; churches and cemeteries established exclusively for each color should remain so, 152; who is to collect the penalty of a whole congregation? 152; enormous penalties, 152; is the amendment within the constitutional power of the Government? 152; it should be properly amended, 153; no sound principle is sacrificed by granting amnesty, 153; this amendment is an unfriendly act, 153.

In the House, the rules suspended to put upon its passage a bill to remove legal and political disabilities, 153; features of the bill, 153, 154; bill passed, 154.

In the Senate, the House amnesty bill taken

up, 154; last bill of the House, the most liberal one, 154; this is not the best recommendation of the bill, 154; the point of order, 155; why not vote on the amendment to the other bill? 155; no men more undeserving of amnesty can be found, 155; the first bill should be proceeded with, 155; the question of order, 155; one half a bill passed by the requisite vote, and the other half not passed, 156; the amendment has never been referred to a committee, 156; under what clause of the Constitution is it brought forward? 156; difference between privilege and protection, 156; what says the constitutional amendment? 157; this amendment is a plain usurpation of power that does not belong to Congress, 157; the fourteenth amendment, 157; any proposition to grant universal amnesty is a violation of the spirit of the amendment, if not its letter, 158; what is amnesty? 158; expediency is the principal argument in its favor, 158; you cannot conciliate the authors of the rebellion, 158; put the question on the ground of high principle, 158; troubles may occur from decade to decade, 159; I want peace with the South on correct principles, 159; grant universal amnesty, and the next step will be to pension the rebel soldiers, 159; if the authors of the rebellion are to become your companions on this floor, shall not the Confederate dead become the companions of your soldiers in Arlington? 159; why have we had this impassioned denunciation of amnesty this morning? 160; only account for it in one way, 160; beginning of the great campaign of 1872, 160; how is the rebel debt to be paid in the face of your fourteenth amendment? 160; at a loss to understand this Administration and its supporters, 160; throwing a tub to the whale, 161; the source of the language "appropriate legislation," 161; what is appropriate legislation? 161; the argument strikes down every State government in this Union as completely as if every State constitution were annihilated, 162; what is the argument? 162; I protest against any such interpretation, 162; is there no such thing as State rights? 162; this is the same old speech which has often been heard in the swamps of Indiana, 163.

What is the whole meaning of this question? 163; it is the experience of all civilized nations that the completest amnesty is the best, 163; can it be said that the rebellion has gone

entirely unpunished? 164; how do the Southern people stand? 164; you may say they deserve it all, 164; the pending bill not laid on the table as moved, 164; amendment to the amendment moved, 165; omits all regulation of churches, 165; the remedy is inadequate, 165; meaning of the last clause of the first section of the fourteenth amendment, 165; what is meant by the equal protection of the laws? 165; application of the amendment to churches, 165; right of churches to exclude persons, 166; amendment to the amendment lost, 166; other amendments moved, 166; lost, 167; other amendments moved relative to color, and lost, 167, 168; every person opposed to amnesty is voting for these amendments, 168; want to see the peace of this country restored, 168; aiming to hit the Chinese, 168; amendment rejected, 169; other amendments offered and rejected, 169, 170; moved to except members of Ku-klux Klan from amnesty, 170; adopted, 170; this bill, with the general amendment proposed, is unconstitutional, 170; the bill is now elevated and consecrated, 170; the effect of these tactics has been to defeat both civil rights and amnesty, 170; and yet we are charged with being false to human rights, 171; the two subjects have a natural relation, 171; the bill lost, 171.

Motion made to take up the House bill for the removal of political disabilities, 171; the bill, 171; motion to insert the civil-rights bill after the enacting clause, 171; reasons, 172; amendment to the amendment to remove all legal and political disabilities agreed to, 172; amendment requiring an oath of allegiance moved and agreed to, 172; motion to strike out all the original amendment lost, 173; moved to limit the operation of the bill in relation to cemeteries and benevolent institutions, 173; adopted, 173; amendment as amended rejected, 174; civil-rights bill moved as an addition to the amnesty bill, 174; amendment agreed to, 174; bill reported and rejected, 174.

In the Senate, a bill to amend the act to enforce the rights of citizens to vote in the several States, etc., 174; object to extend the authority to appoint inspectors of elections and deputy-marshals, 174; authorizes judges to appoint these supervisors, 175; whenever any two citizens request it, 175; moved to strike out the word "circuit," and insert "district judge," 175; too great labor for the few cir-

cuit judges, 176; examples, 176; this bill applies to every precinct in the country, 177; the appointment of ten or twelve thousand election officers to be made by nine circuit judges, 177; they strike down the whole power of the State over elections, 177; how was the first bill put through the Senate? 178; amendment rejected, 178; no provision for the punishment of officers for oppression, 178; object of the Senate in the passage of the original act, 179; amendment offered and read, 179; rejected, 180; amnesty amendment offered, 180; notice of civil-rights amendment of amnesty adopted, 180; civil-rights bill moved as an amendment to the pending amendment, 181; rejected, 182; amendment rejected, 182; amendment to add the amnesty bill rejected, 182; amendment to add the civil-rights bill to the bill moved, 182; moved to strike out so much as relates to schools and cemeteries, 182; what provision of the Constitution authorizes the passage of such a bill? 182; a case in court, 182; appeal to the Senator to withdraw his amendment, 183; amendment withdrawn, 183; other amendments, 183; bill passed, 183.

In the House, the proceedings considered, 183; bill rejected, 184.

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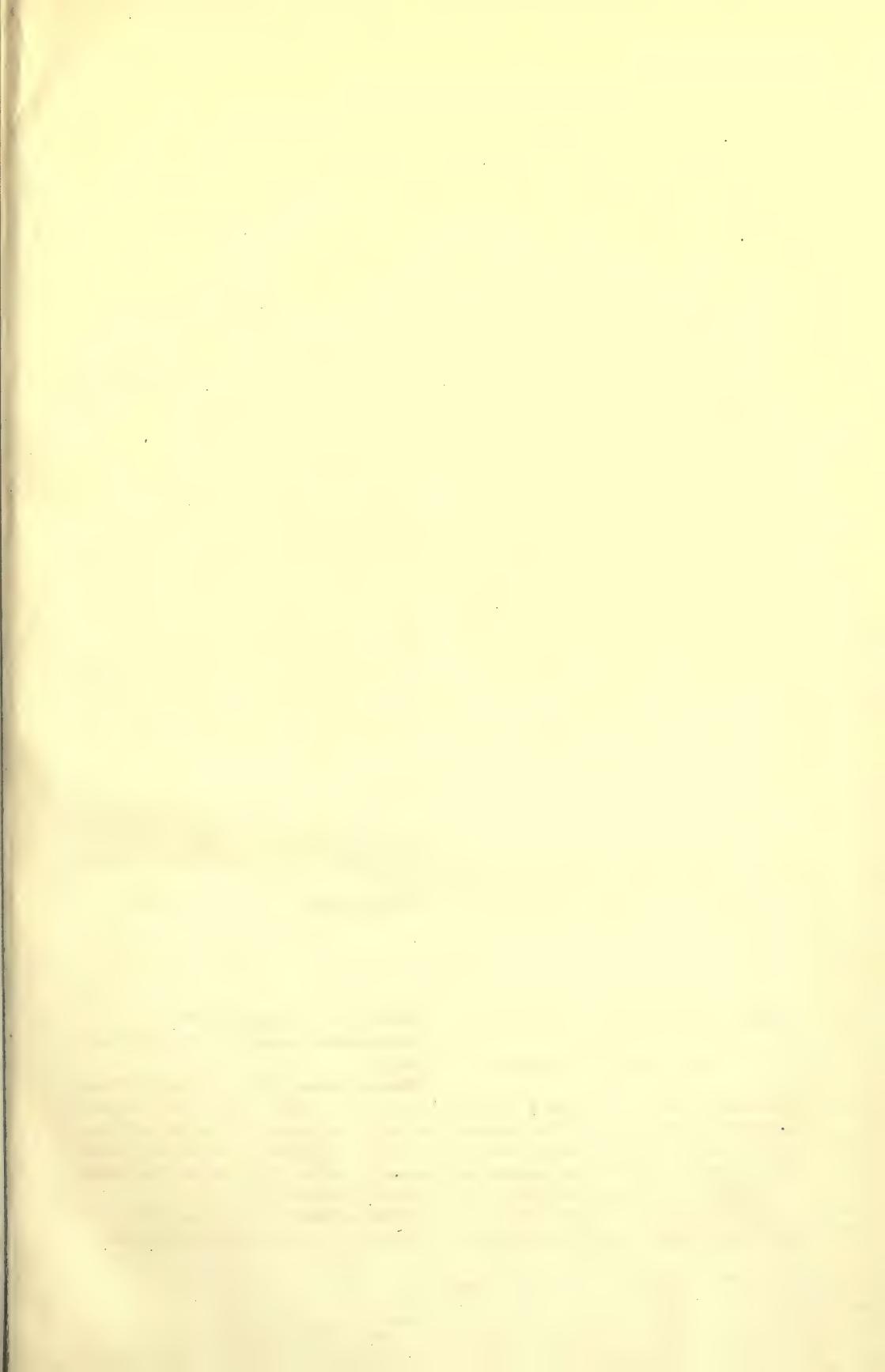
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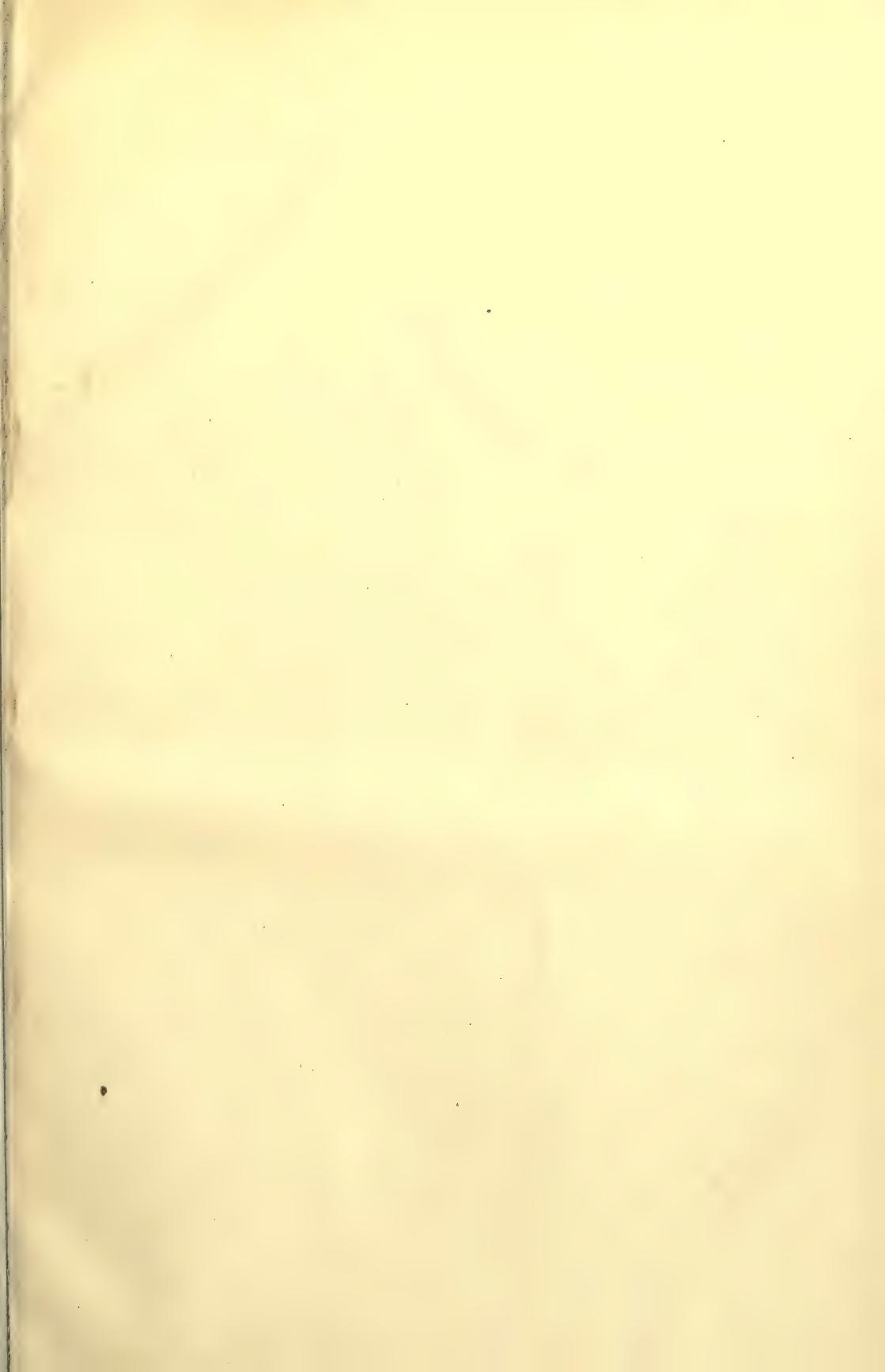
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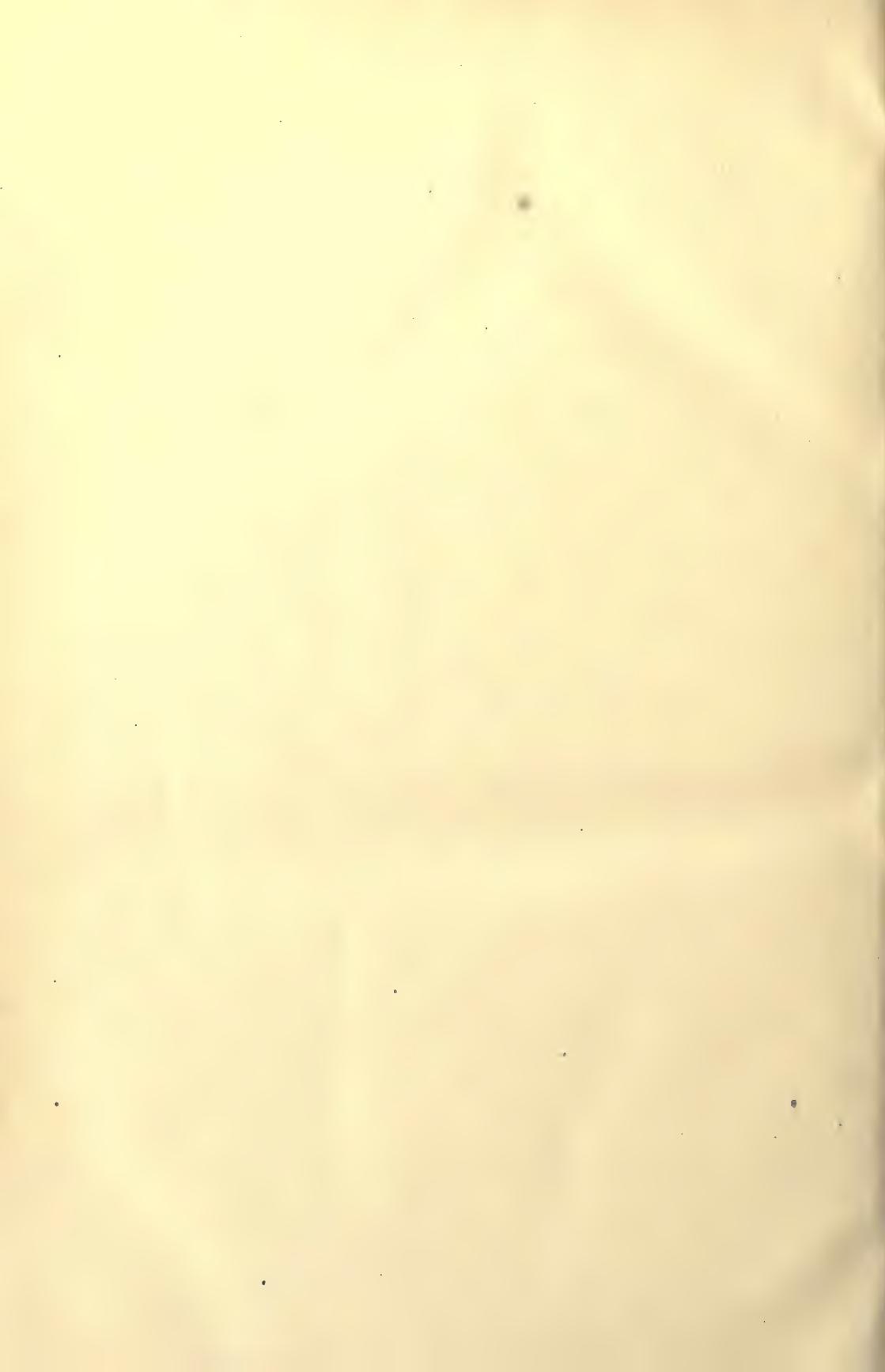
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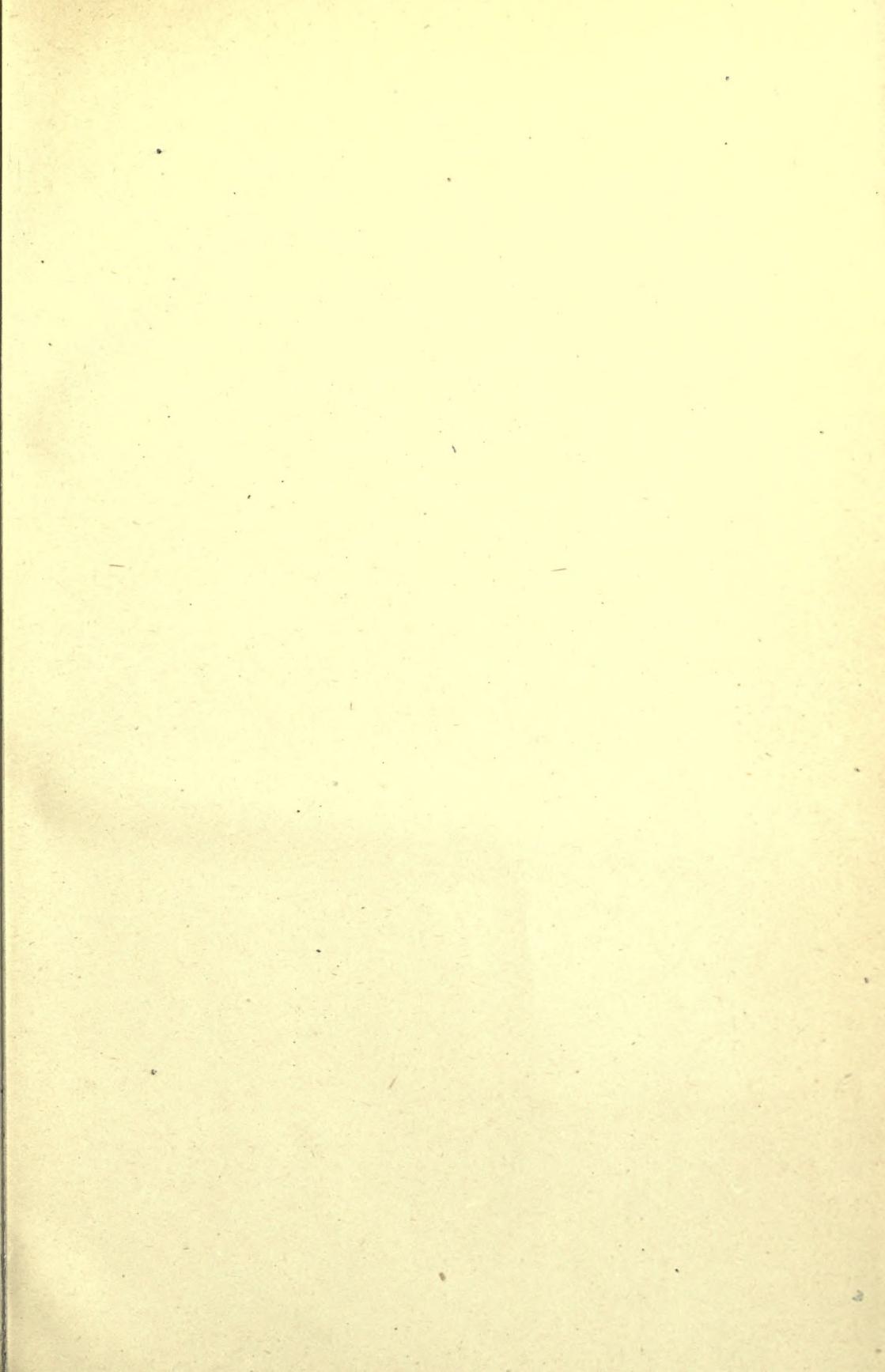
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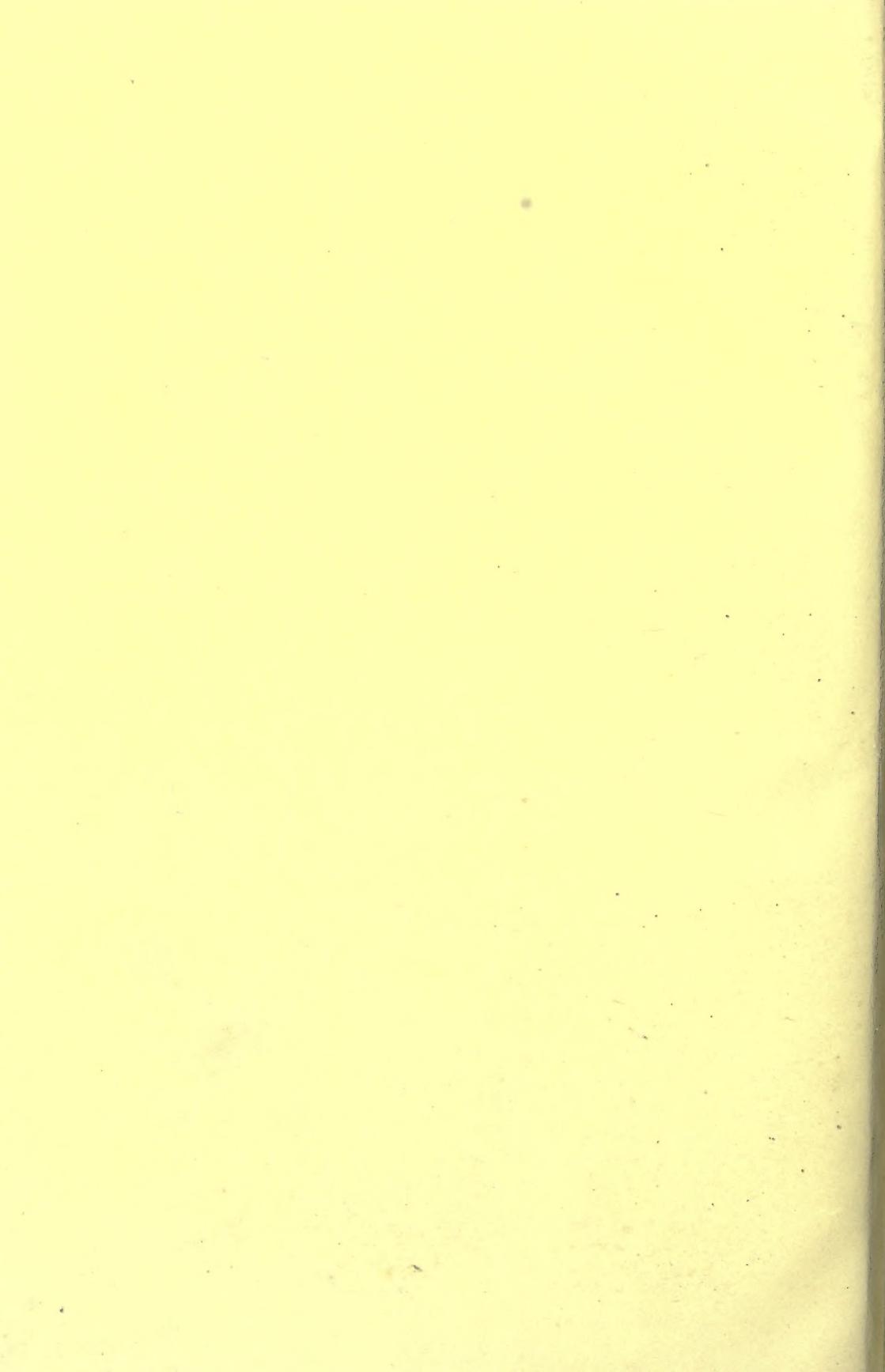












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